

S/N 10/696,013

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James P. Gardner, Jr. Examiner: Khoi Tran
Serial No.: 10/696,013 Group Art Unit: 3651
Filed: October 28, 2003 Docket No.: 00163.1306-US-C4
Title: DATA PROCESSING SYSTEM FOR MANAGING CHEMICAL
PRODUCT USAGE

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV34466800US

Date of Deposit: January 3, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Paula Egolf*

Name: Paula Egolf

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Dear Sir:

Petitioner, Ecolab Inc., a corporation organized and existing under the laws of the State of Delaware and having its primary place of business at 370 N. Wabasha Street, in the county of Ramsey, and the state of Minnesota represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/696,013, filed on October 28, 2003 and entitled DATA PROCESSING SYSTEM FOR MANAGING CHEMICAL PRODUCT USAGE, by virtue of our assignment recorded at Reel 010530, Frame(s) 0196.

Petitioner, Ecolab Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,697,706 and hereby


agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,697,706, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,697,706, in the event that United States Patent No. 6,697,706 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: January 3, 2004



David D. Wier, Reg. No. 48,229